

Message Text

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ORIGIN L-02

INFO OCT-01 EUR-12 ISO-00 EB-07 OIC-02 IO-10 CAB-02

CIAE-00 COME-00 DODE-00 DOTE-00 INR-05 NSAE-00 RSC-01

FAA-00 ARA-06 SSO-00 INRE-00 (ISO) R

DRAFTED BY L/EB: HRGAITHER:JM

APPROVED BY L/EB: PRTRIMBLE

EB/OA/AVP: JSRAVATT

FAA: BSELFON

IO/TRC: MHOYT

IO/OIC: MVIHEL(SUBS)

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FM SECSTATE WASHDC

TO AMCONSUL MONTREAL IMMEDIATE

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E.O. 11652: N/A

TAGS:EAIR, ICAO

SUBJECT: REPORT OF 21ST SESSION ICAO LEGAL COMMITTEE

(C-WP/6075)

1. US REP SHOULD SUPPORT LEGAL COMMITTEE'S RECOMMENDATION FOR ANALYSIS OF CONFLICTS BETWEEN FORM OF INSTRUMENT FOR CARGO AND GUATEMALA PROTOCOL PROVIDED MEETING CAN IMMEDIATELY PRECEDE DIPLOMATIC CONFERENCE OR COME BEFORE OR AFTER ROME LEGAL SUBCOMMITTEE MEETING.

2. SUBJECT IS COMPLEX AND BEST HANDLED IN SMALL FORUM. UNLESS MATTER ADDRESSED, SUBJECT LIKELY TO TIE UP WORK OF DIPLOMATIC CONFERENCE OR BE PUT ASIDE UNTIL TOO LATE FOR ADEQUATE STUDY, EITHER OF WHICH WOULD BE UNFORTUNATE.

3. US REP SHOULD FAVOR SMALL WORKING GROUP OVER RAPORTEURS. IF IT LIKELY USE OF RAPORTEURS WILL BE LIMITED OFFICIAL USE

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ADOPTED AS METHOD OF WORK, US REP SHOULD ENSURE THAT US

WILL PARTICIPATE AS A RAPPORTEUR.

4. BEGIN FYI. DEPARTMENT UNDERSTANDS DIRECTOR OF LEGAL BUREAU WILL OPPOSE CREATION OF EITHER SMALL WORKING GROUP OR RAPPORTEURS. NEVERTHELESS OUTCOME OF DIPLOMATIC CONFERENCE WILL BE AFFECTED BY SUBSTANTIVE DECISION ON

FORM OF INSTRUMENT AND THAT FORM MOST IMPORTANT TO US INTERESTS IN ENTIRE WARSAW/HAGUE/GUATEMALA SYSTEM. SMALL WORKING GROUP PROBABLY MOST MANAGEABLE FORUM TO OBTAIN US GOALS. RAPPORTEURS ARE NOT AS GENERALLY ACCEPTABLE TO ICAO STATES AS WORKING GROUPS. THEREFORE WE PREFER NOT TO SUPPORT THIS SUGGESTION. UNFORTUNATELY, BUDGETARY CONSIDERATIONS PRECLUDE OUR PARTICIPATING IN ANY MEETINGS UNLESS MEETING CAN BE ALIGNED WITH TRAVEL TO ANOTHER ICAO MEETING. IN LIGHT PRESENT BUDGETARY CONSTRAINTS OTHER GOVERNMENTS, EXPECT THIS PROBLEM MAY BE SHARED BY OTHERS. END FYI. KISSINGER

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: REPORTS, COMMITTEES
Control Number: n/a
Copy: SINGLE
Draft Date: 03 DEC 1974
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: izenbei0
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1974STATE264811
Document Source: CORE
Document Unique ID: 00
Drafter: HRGATHER:JM
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: D740350-0353
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1974/newtext/t19741264/aaaaccrz.tel
Line Count: 79
Locator: TEXT ON-LINE, ON MICROFILM
Office: ORIGIN L
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators:
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: n/a
Review Action: RELEASED, APPROVED
Review Authority: izenbei0
Review Comment: n/a
Review Content Flags:
Review Date: 15 APR 2002
Review Event:
Review Exemptions: n/a
Review History: RELEASED <15 APR 2002 by boyleja>; APPROVED <18 MAR 2003 by izenbei0>
Review Markings:

Declassified/Released
US Department of State
EO Systematic Review
30 JUN 2005

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: REPORT OF 21ST SESSION ICAO LEGAL COMMITTEE (C-WP/6075)
TAGS: EAIR, ICAO
To: MONTREAL
Type: TE
Markings: Declassified/Released US Department of State EO Systematic Review 30 JUN 2005